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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/27/2001

Brian Alan Batke

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08/29/2006

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EXAMINER

NGUYEN, DUSTIN

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/965,267	Applicant(s) BATKE ET AL.	
	Examiner Dustin Nguyen	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-14 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 11 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 18 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 05/25/2006 regarding claims 1-10, 12-15, 17 and 18 have been fully considered but they are not persuasive.

3. As per remarks, Applicants' argued that (1) the cited reference does not teach or suggest determining whether the probing entity is connected to an active network.

4. As to point (1), it is rejected for similar reasons as stated in previous Office Action. Furthermore, Cole discloses generating proposed IP addresses and generating an ARP request for each proposed IP address, if an ARP request is answer, the proposed IP address is currently assigned to another device in the network, if the ARP request returns unanswered after several ARP requests, the proposed IP address is available for use by the endpoint without conflicting with the IP address assigned to another device on the network [i.e. determining whether the probing entity is connected to an active network] [col 2, lines 14-27].

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5. As per remarks, Applicants' argued that (2) the cited reference does not teach or suggest the length of the random period of time is generated by examining at least one of a GUID, a physical address, an IP address and a counter.

6. As to point (3), Cudak discloses the length of the random period of time is generated by examining at least one of a GUID, a physical address, and IP address an a counter [i.e. counter] [Figure 6; col 5, lines 1-19; and col 35, lines 19-23].

7. Applicant's arguments, see Remarks, filed 05/25/2006, with respect to claims 11 and 16 have been fully considered and are persuasive. The rejection of claims 11 and 16 has been withdrawn.

Allowable Subject Matter

8. Claims 11 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-4, 12-15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et al. [US Patent No 5,854,901], in view of Cudak et al. [US Patent No 5,862,452].

11. As per claim 1, Cole discloses the invention substantially as claimed including a method for a probing entity to detect a duplicate IP address, the method comprising:

sending one or more first ARP probes onto the network with which the probing entity desires to interact [i.e. ARP request] [52, Figure 3; and col 1, lines 56-59];

determining whether a response to the first ARP probes indicates that there is a duplicate IP address conflict [i.e. ARP response] [54, Figure 3; Abstract; and col 3, lines 54-64];

determining whether the probing entity is connected to an active network [col 5, lines 1-25];

sending one or more second ARP probes onto the network with which the probing entity desires to interact [i.e. several ARP request] [29, Figure 5; and col 4, lines 33-38]; and

determining whether a response to the second ARP probes indicates that there is a duplicate IP address conflict [col 2, lines 20-28].

Cole does not specifically disclose

generating an identifying value that identifies a random period of time to wait before probing a network with which a probing entity desires to interact;

waiting a random period of time related to the identifying value.

Cudak discloses

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generating an identifying value that identifies a random period of time to wait before probing a network with which a probing entity desires to interact [i.e. random number generator for generating random number] [206, Figure 2; Abstract; and col 3, lines 48-57];

waiting a random period of time related to the identifying value [i.e. transmitting when random number is equal to zero] [Abstract; and col 3, lines 35-40].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Cole and Cudak because Cudak's teaching of generating random number would provide low complexity dynamic persistence for random access by a peripheral device [Cudak, col 2, lines 33-35].

12. As per claim 2, Cole discloses sending ARP probes until the probing entity is connected to an active network [72, Figure 4; and col 5, lines 42-56].

13. As per claim 3, Cole discloses not employing the potentially duplicate IP address until after all the processing associated with claim 2 has been completed [i.e. assign] 74, Figure 4].

14. As per claim 4, Cole does not specifically disclose wherein the length of the random period of time is generated by examining at least one of a GUID, a physical address, an IP address and a counter. Cudak discloses wherein the length of the random period of time is generated by examining at least one of a GUID, a physical address, an IP address and a counter [Figure 1; and col 3, lines 22-35]. It would have been obvious to a person skill in the art at the

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time the invention was made to combine the teaching of Cole and Cudak because Cudak's teaching would prevent congestion and avoid collision for sending information in a network.

15. As per claims 12-14, they are rejected for similar reasons as stated above in claims 1-3.

16. As per claim 15, it is rejected for similar reasons as stated above in claim 1. Furthermore, Cole discloses a probe generator [col 5, lines 56-64].

17. As per claims 17 and 18, they are rejected for similar reasons as stated above in claim 15.

18. Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et al. [US Patent No 5,854,901], in view of Cudak et al. [US Patent No 5,862,452], and further in view of Matsukawa [US Patent No 6,925,079].

19. As per claim 5, Cole and Cudak do not specifically disclose wherein the one or more first ARP probes contain the physical address of the probing entity and a potentially duplicate IP address. Matsukawa discloses wherein the one or more first ARP probes contain the physical address of the probing entity and a potentially duplicate IP address [i.e. MAC address and check target IP address] [Figure 2; Abstract; col 3, lines 4-8 and lines 14-17; and col 5, lines 1-10]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Cole, Cudak and Matsukawa because Matsukawa's teaching would

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allow to detect a network fault due to IP address duplication and hence network manageability improves [Matsukawa, col 4, lines 19-22].

20. As per claim 6, Matsukawa discloses wherein the response to the first ARP probes contain the physical address of the probing entity, the physical address of a responding entity, the IP address of a responding entity and the potentially duplicate IP address [Figure 2; and col 3, lines 24-31].

21. As per claim 7, Matsukawa discloses wherein determining whether a response to the first ARP probes indicates that there is a duplicate IP address conflict comprises comparing the potentially duplicate IP address of the response to the potentially duplicate IP address associated with the probing entity [col 1, lines 44-57].

22. As per claim 8, it is rejected for similar reasons as stated above in claim 5.

23. As per claim 9, it is rejected for similar reasons as stated above in claim 6.

24. As per claim 10, it is rejected for similar reasons as stated above in claim 7.

25. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

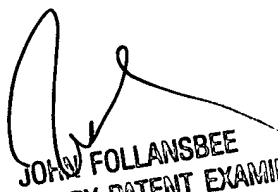
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100